

**Case Report with
Supplements****Minneapolis Police Department****CCN: MP-04-115690****Report Details**

Reporting Officer:	002702: Aaron Hanson	Approval Status:	Approved
Assisting Officer:	000413: Christopher Bennett	Approval Date:	
Supervising Officer:		Date Returned:	
Approving Supervisor:	005013: Jody A Nelson	Return Count:	
Call/Sqd:	241	Date Printed:	Dec 18, 2009
Precinct:	02	Last Uploaded:	
Related CCN :		Solvability:	100
Reported Date:	May 15, 2004 00:00	Primary Routed Unit:	4123 - Homicide
Entered By:	001244	Assigned Investigators:	001097: Christensen, Erika

Incident Details

Offense1: ASLT4	Desc: Aslt-police/emerg P	Statute: 609.2231	Attempted:
Offense2: RIOT	Desc: Riot	Statute: 609.71	Attempted:
Offense3: DAMMV	Desc: Damage To Motor Veh	Statute: 609.595	Attempted:
Address:	1319 Marshall ST NE Minneapolis, MN 55413		
Occurred From:	05/14/2004 22:00	Dispatched:	22:20:00
Occurred To:	05/14/2004 22:30	Arrived:	22:24:00
Location:	Dustys	Cleared:	01:00:00
Minor Involved:	No		

Public Data

Officers were dispatched for a fight at the above location. It later became a help call. AP1 was booked for the above offenses. Victims were seen by ambulance.

JUDICIAL PROBABLE CAUSE: THE COMPLAINANT, BEING DULY SWORN, SWEARS THE BELOW FACTS ARE TRUE AND CORRECT TO THE BEST OF COMPLAINANT'S KNOWLEDGE AND BELIEF AND CONSTITUTE PROBABLE CAUSE TO BELIEVE THAT THE BELOW-NAMED ARRESTEE COMMITTED THE OFFENSE (S) DESCRIBED HEREIN.

COMPLAINANT'S SIGNATURE _____

NOTARY SIGNATURE AND STAMP _____

OFFICERS WERE DISPATCHED TO THE FRONT OF THE ABOVE BAR IN REGARDS TO A FIGHT. WHILE ENROUTE, DISPATCH INFORMED US THAT IT WAS A HELP CALL AND THERE WERE OFF-DUTY OFFICERS ON THE SCENE BEING ATTACKED BY A GROUP OF PEOPLE. UPON ARRIVAL, WE LEARNED THAT AP1 WAS STANDING IN THE MIDDLE OF MARSHALL ST NE, SWINGING A TAN SHOULDER BAG. VICTIMS WERE DRIVING BY IN THEIR VEHICLE AND AS THEY PASSED BY AP1, HE SWUNG AND STRUCK THE DRIVER'S SIDE OF THE VEHICLE, CAUSING DAMAGE. VICTIMS EXITED THE VEHICLE AND ATTEMPTED TO APPREHEND AP1 FOR THIS OFFENSE. AP1 THEN BEGAN TO ASSAULT VICTIMS 1 AND 2 AND CALLED OVER A GROUP OF ONLOOKERS TO PARTICIPATE IN THIS ASSAULT. WHEN OFFICERS ARRIVED, AP1 WAS POINTED OUT AND, AT THAT TIME, APPREHENDED. AP1 WAS BOOKED HCJ. PC AUTHORIZED BY SGT. JOHNSON, #3462.

Related Business

Business Number:	B001
Name:	Dustys Bar
Address:	1319 Marshall ST NE Minneapolis, MN 55413
Telephone Number:	

B55

Availability: CASE 0:08-cv-04992-JNE-SRN Document 64-56 Filed 02/27/10 Page 2 of 17

Alarm Co.:

Safe Vault:

Security Camera:

Arrestee

Role / Role #:	A001	MPD#:	0004001855
Name:	Mahaffy, Jackson Porter		
Residence:	2629 Fremont AV S Minneapolis, MN 55408		
Telephone:	H:612-374-4368		
Drv Lic #:	MN M100356690268		
Date of Birth:	04/05/1979	Event Age: 25	Est. Age: 25 - 25
Race:	White	Medical Treatment:	No
Sex:	Male		
Height:	602		
Build:	ME		

Arrest Information

Arrest Address:	1319 Marshall ST NE Minneapolis, MN	Precinct:	02
Arrest Date:	May 14, 2004 22:30		
Arrest Location:			
Disposition:	booked county		
Arresting Officer:	002702: Hanson, Aaron C	Call/Sqd:	241
Arresting Officer:	000413: Bennett, Christopher J	Call/Sqd:	241

Charges

Status	Type	Charge Code	Statute	Citation	Related CCN
PC	Felony	RIOT - Riot	609.71		
PC	Felony	ASLT4 - Aslt-police/emerg P	609.2231		

Personal Description

Category	Description	Related Offense	Comments
Appearance	Drunk/Drugged		
Appearance	Violent		
Appearance	Mad/Angry		
Complexion	Light		
Employment Status	Unknown		
Eye Color	Brown		
Facial Hair	Unshaven		
Force Used	Yes		
Hair Color	Brown		light
Hair Length	Medium		
Hair Style	Unkempt		
Speech	Foul		
Teeth	Comments		unbrushed

Victim

Role / Role #:	V001		
Name:	Krueger, Wallace Marlin		
Residence:	Unknown		
Telephone:			
Date of Birth:	12/14/1961	Event Age: 42	Est. Age: 42 - 42
Race:			
Sex:			
Height:			
Build:			
Victim of:	DAMMV		

Personal Description

Category	Description	Related Offense	Comments
Employment Status	Employed		

Police Victim

Role / Role #:	PV001		
Name:	Krueger, Wallace Marlin		
Residence:	Unknown		
Telephone:			
Date of Birth:	12/14/1961	Event Age: 42	Est. Age: 42 - 42
Race:		Medical Treatment:	Yes
Sex:			
Height:			
Build:			
Victim of:	ASLT4		
Off. Badge:		Assignment Type:	
Activity Type:		Injury Type:	
Weapon Type:		Assisted:	

Employment Information

Employer/School	Address	Telephone	Occupation
City Of Minneapolis		788-0655	Police Sergeant
Availability:			

Personal Description

Category	Description	Related Offense	Comments
Employment Status	Employed		
Injury Location	Head/Neck		inflamed and minor laceration to R eye
Injury Type	Apparent Minor Injury		

Police Victim

Role / Role #:	PV002		
Name:	Kroll, Robert Joseph		
Residence:	Unknown		
Telephone:			
Date of Birth:	08/06/1965	Event Age: 38	Est. Age: 38 - 38
Race:		Medical Treatment:	Yes
Sex:	Male		
Height:			
Build:			
Victim of:			
Off. Badge:		Assignment Type:	
Activity Type:		Injury Type:	
Weapon Type:		Assisted:	

Employment Information

Employer/School	Address	Telephone	Occupation
City Of Minneapolis		788-1485	Police Sergeant
Availability:			

Personal Description

Category	Description	Related Offense	Comments
Employment Status	Employed		
Injury Location	Head/Neck		lacerations and abrasions on head
Injury Type	Apparent Minor Injury		

Role / Role #: W001
Name: Krueger, Cheryl Sheak
Residence: Unknown
Telephone:
Date of Birth: Event Age: 0 Est. Age: 0
Race:
Sex:
Height:
Build:

Other

Role / Role #: OT001
Name: Vonark, Paul Jeffrey
Residence: 3125 Columbus AV S
Telephone: H:612-824-6530
Date of Birth: 07/17/1979 Event Age: 24 Est. Age: 24 - 24
Race: White
Sex: Male Prior Injury: No
Height: 61
Build: ME

Personal Description

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Appearance	Drunk/Drugged		
Appearance	Mad/Angry		
Force Used	No		
Hair Color	Blond		

Other

Role / Role #: OT002
Name: Anderson, Mark Curtis
Residence: 1891 Grand ST NE Apt. 2
Telephone: H:651-690-8949 W:612-625-7847
Date of Birth: 07/04/1961 Event Age: 42 Est. Age: 42 - 42
Race: White
Sex: Male Prior Injury: No
Height:
Build:

Employment Information

<u>Employer/School</u>	<u>Address</u>	<u>Telephone</u>	<u>Occupation</u>
U Ofm			Teacher
Availability:			

Personal Description

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Employed		
Force Used	No		

Other

Role / Role #: OT003
Name: Johnson, Doreen Elizabeth

Residence: 2530 Polk ST NE
Telephone: C:612-695-5146
Date of Birth: 09/17/1961
Race: White
Sex: Female
Height:
Build:

Event Age: 42

Est. Age: 42 - 42

Other

Role / Role #: OT004
Name: Ryan, Dylan Henry
Residence: 947 Schaffer AV
St Paul, MN 55102
Telephone: H:651-225-1195
Date of Birth: 02/25/1979
Race: White
Sex: Male
Height:
Build:

Event Age: 25

Est. Age: 25 - 25

Other

Role / Role #: OT005
Name: Rolfe, Matthew Earle
Residence: 306 Penn AV N
Telephone: C:612-644-9414
Date of Birth: 01/05/1980
Race: White
Sex: Male
Height:
Build:

Event Age: 24

Est. Age: 24 - 24

Other

Role / Role #: OT006
Name: Fritz, Brandy Renate
Residence: 306 Penn AV N
Telephone:
Date of Birth: 01/20/1981
Race: White
Sex: Female
Height:
Build:

Event Age: 23

Est. Age: 23 - 23

Other

Role / Role #: OT007
Name: Walton, Danica Elaine
Residence: 3332 17 AV S
Telephone: H:612-729-4434
Date of Birth:
Race:
Sex:
Height:
Build:

Event Age: 0

Est. Age: 0

Relationships

None Defined

Modus Operandi

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Crime Elements	Drugs/Alcohol		
Crime Elements	Arrest(s) Made		
Crime Location	Street/Sidewalk		
Type of Drugs	Alcohol		
Type of Drugs	Comments		unknown other
Victim Location	At Work		off-duty, not in uniform
Victim Location	In Vehicle		
Victim Was	Hit/Assaulted		
Weapon Used	Hand/Feet/Bodily For		

Non-Inventoried Property

Vehicle

Vehicle Number:	1		
Owner Role:	V001	Owner Name:	Krueger, Wallace
Make:	Gmc	Model:	Envoy
Model Year:	2003-0	VIN #:	1GKDT13S832181955
Plate:	MN KPW565	Plate Year:	2004

Vehicle Status

<u>Category</u>	<u>Date</u>	<u>Description</u>
Vehicle Damaged		Yes

Vehicle Description

<u>Category</u>	<u>Description</u>	<u>Comments</u>
Exterior Features	Damage To Side	multiple scratches on driver's side
Vehicle Color Side	Dark Blue	
Vehicle Color Top	Dark Blue	
Vehicle Type	4x4	SUV

Property and Evidence

PI#	Item #	Description	Owner	Qty	Make/Mod/Ser #	Auth ID	Dsp Dt	Dsp Mnr
2004-14405	1	PHOTOGRAPHIC EVIDENCE		1		099533		Continue To Hold
2004-14406	1	GRAY BAG CNTG BOOK AND SIGN		1		099533		Continue To Hold
2004-14715	1	ENVELOPE CNTG. AFFIDAVITS BY WITNESSES		1		099533		Continue To Hold
2004-16984	1	MICRO-CASS. TAPED INTERVIEW W/JACKSON MAHAFFY		1		099533		Continue To Hold

Case Supplements

8 supplements begin on the following page.

STATEMENT OF OFFICER A. HANSON, #2702, ON 5-15-04 AT 0025 HOURS, TYPED BY LMG, CCN 04-115690:

While working Squad 241 with my partner, Officer C. BENNETT, we were dispatched to 13th AV NE and Marshall ST NE in regards to a fight. While enroute, a tone was put over the police radio stating there was an officer needs help at DUSTY'S BAR, located at 1319 Marshall ST NE. DISPATCH stated that there were off-duty officers on the scene being attacked by a group of people and holding one down to the ground.

Upon arrival, my partner exited our squad car and observed a large fight in front of the bar. I observed immediately victim 2/Sgt. KROLL with people running at him as he was attempting to push people away. I observed a female running towards Sgt. KROLL and I quickly grabbed her and threw her on the ground. At this point, other officers arrived and we worked on crowd control and stopping this chaotic event.

I then observed a male, later ID'd as AP1, quickly walking towards police victim 2/KROLL. KROLL was looking the other way, and AP1 was quickly walking towards him as if to assault him. I grabbed AP1 and brought him down to the ground. KROLL immediately came over, pointed at AP1, and stated, "That's the male that damaged the truck and assaulted me!" My partner and I quickly handcuffed AP1 and placed him in the squad car. We remained on scene for another five to ten minutes doing crowd control, as the crowd continued to be aggressive and attempting to antagonize us. Numerous people in the crowd were attempting to get our badge numbers and attempting to get close to us. I had to push a few people back as they got close to me, fearing they were going to attack me.

We then left DUSTY'S BAR and met with the police victims and the witness at a location near the incident so that we could assess the victims' injuries. When we got to that location, police victims 1 and 2 were being seen by HCMC ambulance. I noticed immediately that police victim 1/KRUEGER had a large wound to his right eye and the ambulance was treating him.

I then was approached by PV2/KROLL, who stated that he and KRUEGER, and KRUEGER'S wife, witness 1, were driving SB on Marshall ST NE. As they were driving, they observed a male, later ID'd as AP1, standing in the middle of the street on Marshall ST NE, holding his hand up as if he were a traffic officer. KROLL continued to say AP1's activity appeared suspicious, due to no traffic or pedestrians on the road. KROLL further stated they were just going to pass by AP1 slowly and continue SB on Marshall ST. KROLL said at this time, AP1 began to swing a shoulder bag very aggressively in a circle. KROLL stated as they continued to drive by, AP1 began to swing and strike the driver's side of the vehicle in a violent and angry manner.

KROLL stated at this time, he and Sgt. KRUEGER exited their car and began to walk after AP1 to apprehend him for the damage to the vehicle. KROLL stated as they walked after AP1, he turned around and came towards them in an aggressive manner. Both Sgts. KROLL and KRUEGER will be doing their own supplements concerning this incident. KROLL then stated that during the assault, AP1 motioned to a large group of onlookers as if inviting them to get involved in the assault. At this point, Sgt. KROLL stated a large group of unidentified people ran towards them and began to kick and punch them. KROLL stated they were able to distance themselves from the aggressive crowd and he was able to call 911. KROLL stated he also was able to keep an eye on AP1, who started the incident.

We then transported AP1 to HCJ for PC-assault 4, PC-inciting a riot. AP1 can also be charged by complaint for the damage to Sgt. KRUEGER'S vehicle.

END of Supplement 1

Supplement number: 2 CCN: MP-04-115690 Author: 000413 - Christopher Bennett

STATEMENT OF OFFICER BENNETT, #413, ON 5-15-04 AT 0045 HOURS, TYPED BY LMG, CCN 04-115690:

On the above date and time, while working Squad 241 with my partner, Officer HANSON, we were enroute to assist on a fight call that had just aired at above location. On the way to the call, we heard a tone from DISPATCH and an update, stating that there were off-duty officers being assaulted at this location.

Upon arrival, we pulled up in front of the bar and exited the squad car. Upon exiting the car, I observed a large group of individuals in a fight. As we ran towards the group, I observed PV2/KROLL fending off several individuals that appeared to be attacking him.

As I responded to aid PV2/KROLL, I pushed several males away and told them to get back. We then created some space in-between ourselves and the unruly crowd. Just then, I saw my partner with two people down on the ground nearby. PV2/KROLL stated to me, pointing at AP1, "that's the guy that assaulted us!" I then assisted my partner in handcuffing AP1. AP1 was stood up and walked to our squad car, where he was searched before being placed in the rear seat.

At this point, we stood at the street, keeping the crowd at bay, as they were shouting and taunting us. Several people from the crowd were gathering our names and badge numbers along with taking photos of us. After several moments of our trying to calm down the crowd, officers got into their cars and left the scene.

We later met at a nearby location to assess the victims' injuries and damage to KRUEGER'S vehicle. Shortly after we arrived, an HCMC ambulance showed up to check out the victims. Photos of their wounds and the damage to the vehicle were taken and the disposable camera was later property-inventoried, along with the bag that AP1 had swung at the vehicle.

END of Supplement 2

Statement of Officer C Bishop, badge #0563. Typed by Bishop.

On 5-14-2004 I was on duty and assigned to Squad 213 Able. At 2224 Hours on this date I was dispatched on the call on a fight at Dusty's Bar, 1319 Marshall St NE. While enroute, the dispatcher aired that there were off duty officers on the scene and soon there after aired this as a HELP call.

By the time I arrived, 2 squads were already on scene. I noticed that Officers Bennett and Hanson appeared to have one person in custody and handcuffed. I also observed that Sgts Kroll and Krueger were on the scene along with a female that I later ID as Mrs. Krueger. Sgt Krueger had a large, inflamed welt over his right eye with some bleeding and I requested an ambulance code 2 for this injury. Both Sgts appeared to be distressed. Sgt Kroll was distraught and his hands were shaking and Sgt Krueger appeared slightly disorientated from being struck in the head. Also at the scene was a group of 15-30 people. Some in this group were highly agitated and did not listen to my requests that they move to the sidewalk.

As the group was combative and vocal, I escorted Sgt.'s Krueger and Kroll along with Mrs. Krueger from the scene and moved to another location. There, these three told me the following. Sgt Krueger was driving MN plate KPW565 south bound on Marshall with Mrs. Krueger in the front passenger seat and Sgt Kroll in the back seat. As they approached Dusty's Bar they noticed what they believed to be a drunk standing in the roadway, swinging some kind of bag and walking into the lane of traffic. All three noted that this person was a tall white male wearing a "Jesters" style hat. This person, later ID as AP-1, stood in the southbound lane and held up his hand as if to stop a vehicle. Sgts Krueger slowed down and was attempting to pass this person when he swung his bag and struck the side on his vehicle. Sgt Krueger then stopped and exited the vehicle to check for damage, when they went to confront AP-1, a crowd moved towards them and began assaulting both Sgt.'s. Sgt Krueger was struck in the right eye by AP-1 who was standing at his side, knocking Sgt Krueger to the ground. Sgt Kroll also received a minor injury just below his left eye and a red scratch at the back of his neck. Photos were taken of the injuries to both Sgts. Both stated they would later complete a supplement

The damage to MN plate KPW565 is paint damage caused by AP-1's bag scratching against it. There was dust on the vehicle and the bag wiped off a portion of the dust while scratching the paint. Photos were taken of two scratches on the vehicle.

After clearing the scene I read the remarks to find that this was moved up to a HELP call as the 911 call taker no that the off Duty Officer sounded out of breath.

I also took pictures of AP-1's vomit outside the rear squad door. I observed AP-1 vomit twice after he was place under arrest. The vomit was consistant with that of an intoxicated person. The camera used was later property inventoried along with AP-1's bag.

Sgt Krueger ID AP-1 as the person who struck him in the face causing demonstrable injury. All three ID AP-1 as the person in the street who caused that damage to the vehicle.

During this incident, Sgt Krueger lost on Swiss Army Stainless Steel Watch worth \$150 and a Minneapolis Police Department pager.

While in front of Dusty's Bar, Sgt Kroll noted that a group of people was trying to assist the intoxicated suspect by holding him up and attempting to get him to leave the scene. One person told Sgt Kroll "He's just drunk, leave him alone", and heard another tell the suspect, "Come on - you gotta get out of here".

END of Supplement 3

Supplement number: 4 CCN: MP-04-115690 Author: 000956 - David Campbell

STATEMENT OF CAMPBELL TYPED BY OFFICER CAMPBELL #0956, ON 05/15/2004 AT 0552 HRS,CCN 04-11569:

On listed date and time I was working marked squad 211A. I was dispatched to a fight in front Dustys Bar in the 1300 block of Marshall St. N.E., Enroute dispatch aired that an off duty officer had one on the ground. The call then was toned to a officer help call. Upon arrival I observed 8-15 people on the sidewalk and They were surrounding Sgt Kroll and Sgt. Kruger, both off duty and in plain clothes. The scene wasnot under control and I put myself between the people who were screaming at both Sgts and they appeared as if they were going to attack. I began to tell the crowd to get back and at one point pulled out mace for officer safety. I observed Other #1 Vonark approaching Sgt Kroll and screaming in his face about letting someone go. It should be noted that there were numerous people screaming at officers and ignoring verbal commands to get back. My attention was drawn to other#1 Vonark due to his size and behavior. He began to go thru the crowd yelling at other people in his group.

After the scene was partially under control I was approached by other#2 anderson who stated that he had witnessed the whole the whole incident and stated he wanted to complain about what he saw. While this was going on listed others in the group approached and began talking loudly and I had to move away from the group to talk to listed others. Listed #2 Anderson stated he did not agree with the arrest and I advised him to call the Pct and talk to a supervisor. I then spoke to listed other #3 Johnson who stated she had called 911 on the phone and stated that there were more people at the scene before the police had arrived in their squads. She stated that there were 15-20 people, maybe more at the time she called. Listed others all agreed that a DK person had run into the street and had hit a veh with some sort of bag. While talking to this group I smelled a strong odor of alcohol.

Other #1 Vonark stated that an officer had hit him for no reason. I informed him that I had been watching him upon my arrival and that he appeared about to strike Sgt Kroll as his hands were clenched, and he was screaming very loudly. I also advised him to call the Pct and talk to supervisor if he had a complaint. There were numerous people in the crowd who were stating they wanted the 2 off duty officers badge numbers. I stated I did not know what they were. There were other people in the crowd who stated they wanted to complain but when I asked for their names and info they refused to give it.

END of Supplement 4

Supplement number: 5 CCN: MP-04-115690 Author: 001097 - Erika Christensen

SUPPLEMENT OF SGT. ERIKA CHRISTENSEN, 1097, 05/17/2004:

On this date I was assigned this in-custody. I reviewed the attached supplements.

At 0820am I went to HCJ and conducted a tape recorded and Mirandized interview. I introduced myself to AP1, MAHAFFY. I then asked him his name and current address. I then read him his rights per Miranda, stopping after each line and asking if he understood. To each line he gave either a verbal "yes" or physical nod of the head in the affirmative. I then asked if he wished to speak with me. MAHAFFY stated he would. The following is a brief recap of the interview:

MAHAFFY admitted to me that he was drunk. I asked where he was and he stated at some address in Northeast Minneapolis. When I asked if he were at a bar he said he was not. I asked if he could recount for me in his own word why he was arrested. After a long pause he told me because he was fighting. He stated he did not remember anything else. I asked if he remembered hitting a car with his bag and when two people approached identifying themselves he began fighting. MAHAFFY denied remembering this just claiming that he got beat up.

MAHAFFY then sat silent for several minutes. It became clear he was not going to speak with me any more about this incident. I asked if he had anything else to say and he stated he did not. The interview was terminated.

The tape will be inventoried as evidence.

Given the injury to Sgt. Krueger's eye this case will be presented to the County Attorney for review.

CASE CONT'D OPEN

Sgt. Erika Christensen

Homicide Unit

END of Supplement 5

SUPPLEMENT OF SGT. ERIKA CHRISTENSEN, 1097, 05/17/2004:

Since entering my previous supplement I have spoken with both Sgt. Kroll and Sgt. Kreuger. Both stated that the crowd that gathered around them did not actually come from Dusty's Bar but from an address next to the bar which appeared to be some sort of gathering spot for those who believe in anarchist type politics. Both told me that the entire incident unfolded so rapidly they were unable to identify themselves as police officers. Neither were in uniform.

I spoke with the County Attorney's Office and it was decided that Assault 4 charges would not be sustainable because the deft. did not have knowledge he was fighting/assaulting the police.

The deft. will be tab charged with two counts fifth degree assault, one count msdr damage to motor vehicle and one count of disorderly conduct.

CASE CLOSED BY TAB CHARGE

Sgt. Erika Christensen

Homicide Unit

END of Supplement 6

STATEMENT OF SGT. KROLL, #3874, ON 05/17/04 AT 1000 HRS., TYPED BY KLB, CCN: 04-115690

On 05/14/04 at approximately 2200 hrs., I was off-duty with Sgt. KRUEGER and his wife, CHERYL. Sgt. KRUEGER was driving his 2004 Envoy southbound on Marshall St. NE. His wife was in the front seat and I was seated in the back passenger seat. In the area of 1319 Marshall, there was a white male in the middle of the street dancing around and putting his hand up indicating that he wanted us to stop. Sgt. KRUEGER slowed and drove around and passed this person (later ID'd as AP1/MAHAFFY). As we passed AP1/MAHAFFY, he swung a bag that he was swinging and struck Sgt. KRUEGER'S truck. AP1/MAHAFFY appeared to be under the influence of alcohol or drugs by his behavior and he was also dressed in very unusual clothes. Sgt. KRUEGER stopped his truck and we got out to detain AP1/MAHAFFY and check for damage to his truck.

As we approached AP1/MAHAFFY, he was screaming very bizarre obscenities and took up a fighting stance with the bag he was carrying which appeared to have a heavy object inside. He approached us punching and swinging this bag at us and at one point, struck Sgt. KRUEGER in his eye causing severe swelling. There was a large group of people which I initially thought were from an outdoor seating area at DUSTY'S BAR, located at 1319 Marshall. I later learned that these individuals were not a part of DUSTY'S BAR and instead were gathered at some type of art event located one building south of DUSTY'S. These people were all wearing the same attire and appeared to be gothic or anarchist-types of individuals. When we got out of our vehicle, several approached from the sidewalk yelling to us to just leave AP1/MAHAFFY alone because he was drunk, saying that they would take care of him. When AP1/MAHAFFY began assaulting us, others ran at us and tackled us to the ground joining him. There was a mob of approximately 20 men and women that were punching, kicking and scratching us. I was able to get to my feet and break free of the crowd by punching several individuals and throwing them off of me. Sgt. KRUEGER also made it to his feet, and I phoned 911 and informed them we were attempting to hold one for damage to property and had a crowd that was trying to get AP1/MAHAFFY out of the area.

As we waited for the arrival of squads, they were attempting to get AP1/MAHAFFY to his feet and back to a vehicle. He appeared very intoxicated and unable to flee. As we tried to make sure that AP1/MAHAFFY did not leave the area and approached him, we were again assaulted by the angry crowd. I made a second 911 call and asked Dispatch to speed the squad because the crowd was attempting to get AP1/MAHAFFY out of the area. They all appeared to be together at this event and appeared to be friends. They were wearing unusual similar-type clothing and unusual hairstyles. They also had numerous facial piercings, neck and facial tattoos. Throughout our wait for the squad, the mob yelled obscenities to us to leave AP1/MAHAFFY alone stating that he was just drunk. Throughout the incident, SGT. KRUEGER and myself were struck several times, and we struck several parties back to defend ourselves. Many of these fled by the time squads arrived. When uniformed officers arrived, I identified AP1/MAHAFFY as the person who did damage to Sgt. KRUEGER's vehicle and initiated assaults on us. Due to the number of individuals involved in the further attack, I was not able to specifically identify any one person.

Officers booked AP1/MAHAFFY for Assault, Riot and Damage to Vehicle. On 05/17/04, I was requested by the Investigating Sgt. ERIKA CHRISTIANSEN to complete a supplement regarding the incident.

END of Supplement 7

Supplement number: 8 CCN: MP-04-115690 Author: 003883 - Wallace Krueger

Supplement of Sergeant Krueger ccn 04-115690

On May 14, 2004 at approximately 2200 hours I was driving my personal vehicle southbound on Marshall street NE. My wife was in the front passenger seat and Sergeant Bob Kroll was in the rear passenger seat.

As we passed Dusty's bar I observed a white male later Id'd as AP1 Mahaffy standing in the northbound traffic lanes of Marshall St. holding his arms up in what appeared to be an attempt to stop vehicle traffic on Marshall. This male appeared to be somewhat unsteady on his feet as he was waving his arms around. I slowed my vehicle almost to a stop as the male appeared that he might enter the southbound lane that I was driving in. After I slowed my vehicle there was enough room for me to continue southbound and as I began to accelerate I observed AP1 Mahaffy swing a bag that had a shoulder type strap on it which struck the drivers side of my 2003 GMC Envoy and made a very loud sound. I pulled my vehicle to the curb and got out to look for any possible damage. I noticed that there was some damage to the side of my vehicle in the area of the rear passenger door.

I observed AP1 Mahaffy moving in the direction of the business just south of Dusty's bar. I began to move after him with the intention of arresting him. As I approached Mahaffy began to swing his fists at me and I before could say anything a crowd of at least 18 people attacked myself and Sergeant Kroll and tackled us to the ground. At that time at least 6 people where on top of me kicking and punching me. I was able to get my hands free and began to strike out at the group of people in an attempt to free myself from them. After a short time I got to my feet and I remember the crowd yelling something to the effect that "he is just drunk we'll take care of him". Just as got to my feet I looked for Sergeant Kroll who was north of me and as I looked back to the south I was hit in the right eye by AP1 Mahaffy. It felt as though I was struck with some type of metal instrument. The impact of this knocked me to the ground and I immediately noticed blood coming from my right eye and a tremendous amount of pain in the area of my cheek bone and right eye. As I got to my feet I looked to my right and saw Mahaffy walking away from me still holding the bag that he had been carrying earlier.

I was very disoriented from being struck and I remember being told by officers on the scene to move my vehicle away from the scene since the crowd was not dispersing. My wife drove our car to the location a couple of blocks away and I was examined by a paramedic and I told them that I would follow up with my doctor in the upcoming days.

At the time I was being examined by the paramedic I realized that I lost my watch and pager.

END of Supplement 8

Supplement number: 9

CCN: MP-04-115690

Author:

003332 - Clifford Johnson

Supplement of For S C. Johnson #003332 on 08/05/2009 11:10

On 8-5-09 Joni Eigenheer brought a request to the Crime Lab from Sgt. Zierden of the Internal Affairs Unit. The request was to copy to CD an audio cassette tape and also make two copies of a series of photos pertaining to this event. The original cassette tape and one copy of the printed photos was received from Ms Eigenheer along with the request.

One CD copy was made of the audio tape using the Tascam CD-RW900. The copy will be returned to Ms Eigenheer along with the original. The photos were given to QC Emily Wemlinger for processing.

END of Supplement 9

End of report for case MP-04-115690. Print ID: e71b8ae0-bb9b-4ef7-a6f3-34871be88b20
